



**City of
Norfolk**

Inter Department Correspondence Sheet

TO: Members of Council

FROM: City Clerk

COPIES TO: _____

SUBJECT: Minutes of City Council Meeting

June 12, 2015

Attached are the minutes from the City Council meeting held on June 9, 2015.

R. Breckenridge Daughtrey

for

NORFOLK, VIRGINIA
REGULAR SESSION OF COUNCIL
TUESDAY, JUNE 9, 2015

President Fraim called the meeting to order at 5:18 p.m. with the following members present: Mrs. Graves, Mrs. Johnson, Mr. Protogyrou, Mr. Riddick, Mr. Smigiel, Dr. Whibley and Mr. Winn.

He thereupon called on the City Manager to review the agenda.

NORFOLK BOTANICAL GARDEN UPDATE

Deputy City Manager Wynter Benda introduced Mr. Desplaines, President of Norfolk Botanical Garden. He noted that Mr. Desplaines was a former executive director of an estate above Lake Winnepesaukee, New Hampshire.

Mr. Desplaines briefed Council on the following activities at the garden: Dominion Garden of Lights; Million Bulb Walk; Fun Run; Free access for two weeks in January concluding Martin Luther King Day; and the Spring Plant Sale on Mother's Day weekend. He noted that USA Today named Norfolk in the top 10 light shows around the country.

STRATEGIC PLAN 2015 - 2018:

- Establish the garden as a leader in environmental stewardship.
- Deepen the garden's engagement with and impact in the community.
- Provide a dynamic, high-quality and welcoming experience.
- Strengthen communications and marketing to build excitement about the garden.
- Ensure long-term financial sustainability.
- Strengthen organization leadership and capacity.

A short video was presented, "Lanternasia," a Chinese lantern exhibit which is scheduled to open March 1, 2016 and to run through April 30, 2016.

COUNCIL INTERESTS

1. Councilman Protogyrou forwarded a letter and a petition to the City Manager from Samantha Hill regarding the creation of a sports complex in Norfolk. He asked the City Manager and RPOS to examine the issue and to respond to Ms. Hill.
2. Councilman Protogyrou forwarded a letter to the City Manager from the Barrett Haven Transitional Home for Women regarding providing assistance to them with procuring grants.
3. Councilman Riddick asked for a study to widen Tidewater Drive to eight lanes from the foot of the tunnel to Little Creek Road.
4. Councilman Riddick commented on the crime wave that occurred last year at the beginning of summer on Manson Street to Diggs Park and asked the Chief to be especially mindful of those areas.
5. Councilman Winn: a) forwarded a letter to the City Manager regarding cemeteries and a personnel matter and b) forwarded a letter to the City Manager regarding a stop sign in East Beach.
6. Councilwoman Johnson commented on the Virginia First Cities Annual Board of Directors Meeting that featured Chiefs of Police from around the state who discussed current problems facing policing in this country and their own cities. She asked that Norfolk consider hosting a similar meeting in the future featuring Police Chiefs from Tidewater and to also include citizens.
7. Vice Mayor Williams Graves referenced a letter from the Norfolk Pastors' Coalition regarding a job fair on June 18th and she asked if the information could be posted on the city's web site.
8. Vice Mayor Williams Graves suggested that the Culinary Arts students from Tidewater Community College prepare a Council meeting dinner.
9. Vice Mayor Williams Graves referenced a citizen's complaint concerning Colonna's Shipyard workers parking in nearby neighborhoods illegally. She asked Chief Goldsmith to address these parking violations. Councilman Winn added that the sale of Bay Disposal should soon provide relief to the neighborhood.
10. Vice Mayor Williams Graves suggested having extra welcoming ambassadors to greet cruise passengers and assist them with navigating through the city to their next destination.
11. Councilman Smigiel expressed concern about fallen utility poles, broken boxes and exposed wiring throughout the city. He asked what the city can do to get the utility companies to address these issues in a timely manner.

12. Councilman Smigiel commented on overgrown grass and weeds throughout the city. He suggested that we consider hiring extra staff, privatizing, or partnering with civic leagues or other organizations to assist in clean-up efforts.

NORFOLK FIRST

Deputy City Manager Peter Chapman gave an overview of the new economic development model. He outlined the city's development goals as follows:

A SUSTAINABLE LOCAL ECONOMY THAT:

- Affords access to opportunity for all Norfolk residents.
- Fosters vibrant mixed-income residential neighborhoods.
- Support and expands our tax revenue base.
- Harnesses Norfolk's competitive advantages as a diverse urban center.
- An environment that is favorable for, and invites investment.
- A strengthened brand.

He also detailed the new paradigm which focuses on: Business Development, Access to Capital & Reinvestment, Workforce Innovation and Revitalization & Redevelopment.

Focusing on Implementation: Progress to Date – Illustrative Examples
Global Commerce

- Admitted into Export Import Bank's City/State Partnership Program.
- Launching first city government Global Initiatives Fund in the Commonwealth.
- Launching ExportTech partnership.
- Planning reverse trade mission.

INNOVATION & TECHNOLOGY

- Launching the Norfolk Innovation Fundy, the first municipal government. Venture Capital Fund in the Commonwealth of Virginia.
- SWaM/Small Business Inclusion.
- Launching \$1 million SWaM access to capital program with National Development Council.
- Initiated Navigate Norfolk technical assistance program.
- Catalytic Projects – Building Capacity.
- Established platform – 36 Hours in Norfolk-for engaging national real estate developers and others.
- Completing HUD proposal for anchor project funding.

- Neighborhood Revitalization.
- Initiated assessment of vacant properties and other non-performing assets; first step toward comprehensive rehab plan.
- Launching Community Business Café in Park Place (to be followed by Ocean View).

Councilman Protogyrou asked to continue focusing on attraction as well as retention and expansion. He added that Priority Target Area of Five Points is very significant because it's a gateway to the city through the airport. In addition, he asked for quarterly updates on these initiatives.

Councilwoman Johnson added that it is also important to let our citizens know about initiatives such as this.

SUMMER YOUTH PROGRAMS AND BOXING CENTER UPDATES

Mr. Crittendon gave a brief overview of summer programs and activities that include:

- Summer Day Camps
- RBI Baseball
- AAU Track
- Football Conditioning
- Summer Swim Teams/Summer Plunge
- Norfolk Emerging Leaders Program
- Collaborative Partnerships
- Over 6,500 (individual count) participants

Construction on the Norfolk Boxing & Fitness Center is slated to begin October 2015 and will be finished late summer 2016. The 13,000-square-foot center is at Harbor Park Stadium. It will have 460 maximum capacity and 260 spectator seats for boxing tournaments. There will be boxing fitness classes and other fitness classes to include aerobics, step, spin classes and weight training.

Councilman Protogyrou stressed that the facility should have signage that is significant in size so our citizens will know it's there.

Councilwoman Johnson asked that we also keep our civic leagues updated on the boxing center.

Mayor Fraim stressed the importance of the facility's main focus, which is a boxing center.

CLOSED SESSION

Motion for closed session was approved for purposes which are set out in Clause (s) 3 of subsection (A) of Section 2.2-3711 of the Virginia Freedom of Information Act, as amended:

- (3) Discussion of the acquisition of real property for public purpose in the East Ocean View area.

Yes: Graves, Johnson, Protogyrou, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

NORFOLK, VIRGINIA

ACTION OF THE COUNCIL

TUESDAY, JUNE 9, 2015 – 7:00 P.M.

Prayer offered by Vice Mayor Angelia Williams Graves, followed by the Pledge of Allegiance.

The following members were present: Mrs. Graves, Mrs. Johnson, Mr. Protogyrou, Mr. Riddick, Mr. Smigiel, Dr. Whibley, Mr. Winn and Mr. Fraim.

President Fraim moved to dispense with the reading of the minutes of the previous meeting.

Motion adopted.

Yes: Graves, Johnson, Protogyrou, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

CERTIFICATION OF CLOSED MEETING

A Resolution entitled, "A Resolution certifying a closed meeting of the Council of the City of Norfolk in accordance with the provisions of the Virginia Freedom of Information Act," was introduced in writing and read by its title.

ACTION: The Resolution as introduced was **adopted**, effective June 9, 2015.

Yes: Graves, Johnson, Protogyrou, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

INVITATIONS TO BID

IB-1

INVITATION TO BID scheduled this day pursuant under State Law, public notice having been inserted in the local press by the City Clerk to accept bids for a **Long-Term Garage Parking Agreement**, with a term of twenty years, for sixty (60) residential parking spaces in the **Boush Street Garage**.

Thereupon, An Ordinance entitled, "An Ordinance accepting the Bid submitted by 125 West Tazewell, LLC for a **Long-Term Garage Parking Agreement**, with a term of twenty years, for 60 residential parking spaces in the **Boush Street Garage**," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective July 10, 2015.

Yes: Graves, Johnson, Protogyrou, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

IB-2

INVITATION TO BID scheduled this day pursuant under State Law, public notice having been inserted in the local press by the City Clerk to accept bids for a **Long-Term Garage Parking Agreement**, with a term of twenty years, for fifty-six (56) residential parking spaces in the **Freemason Street Garage**.

Thereupon, An Ordinance entitled, "An Ordinance accepting the Bid submitted by 245 Granby Street, LLC for a Long-Term Garage Parking Agreement, with a term of twenty years for 56 residential parking spaces in the **Freemason Street Garage**," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective July 10, 2015.

Yes: Graves, Johnson, Protogyrou, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

PUBLIC HEARINGS

PH-1

PUBLIC HEARING scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, to receive nominations for the appointment of **four school board** members.

Nominations were received as follows:

1. Randall Brooks, 1841 Longdale Drive, nominated Dr. Sherri Lynne Brooks.
2. James Powell, 1043 Avenue G, nominated himself.
3. Thomas Leeman, 714 Maury Avenue, nominated himself.
4. Vicki Greco, 1433 Brunswick Avenue, nominated Tanya Bhasin.
5. Perry Miles, 5320 Studeley Avenue, nominated himself.
6. Jacqueline Boone, 7501 Diven Street, nominated Dr. Leon Rouson.
7. John Wesley Hill, 2906 Mapleton Avenue, nominated himself.
8. Columbus Grant, 7652 Glen Eagles Road, nominated himself.
9. Reverend Glen Jones, 2501 Kennon Avenue, nominated the following persons: Abdul Aswad and Michael Spencer.
10. Robert Brown, 8507 Troy Street, nominated himself.
11. Linda Stokes, 1467 East Tanner Creek Drive, nominated herself.

President Fraim placed the following names in nomination: Courtney R. Doyle, Brad Robinson, Marlin Adams, Dr. Richard E. Bishop, Sr., Rosalie Klah, Andrea Morgan, Kent Queman, Carter C. Smith, Sherri Lynne Brooks, and Karen Squires.

President Fraim moved to close the public hearing.

ACTION: Public Hearing closed.

Yes: Graves, Johnson, Protogyrou, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

PH-2

PUBLIC HEARING scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, to hear comments to approve the **Docking Agreement** which authorized **Rover Marine, Inc.**, to operate its vessel from the city-owned berthing facilities on the **Elizabeth River**, in **Town Point Park**.

Thereupon, An Ordinance entitled, "An Ordinance approving the **Docking Agreement** which authorizes **Rover Marine, Inc.** to operate its vessel from the city-owned berthing facilities on the **Elizabeth River**, in **Town Point Park**," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective July 10, 2015.

Yes: Graves, Johnson, Protogyrou, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

PH-3

PUBLIC HEARING scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, on the application of **Brian and Page Sykes**, for the closing, vacating and discontinuing a portion of **Mayflower Road** lying north of the northern line of **New Hampshire Avenue** and west of **Nichal Court**.

Thereupon, An Ordinance entitled, "An Ordinance closing, vacating and discontinuing a portion of **Mayflower Road** lying north of the northern line of **New Hampshire Avenue** and lying concentrically on the east, north, and west of **Nichal Court**; and accepting the dedication of a Pedestrian Easement by each of the abutting property owners," was introduced in writing and read by its title.

Randy Stokes, 1501 Powhatan Court, was present to answer questions.

ACTION: The Ordinance as introduced was **adopted**, effective July 10, 2015.

Yes: Graves, Johnson, Protogyrou, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

CONSENT AGENDA

C-1 Letter from the City Manager advising, in accordance with **Chapter 33.1-40** of the **Norfolk City Code**, of sole source emergency procurement during the month of **April 2015**, for **Selden Arcade**.

ACTION: Received and filed.

Yes: Graves, Johnson, Protogyrou, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

REGULAR AGENDA

R-1 Letter from the City Manager and the following two Ordinances:

An Ordinance entitled, "An Ordinance granting a **Special Exception** to permit the operation of an entertainment establishment named '**Rip Rap Brewing Company**' on property located at **114 East 25th Street, Unit 116**," was introduced in writing and read by its title.

William Bell, 230 College Place, #214, the applicant, was present to answer questions.

ACTION: The Ordinance as introduced was **adopted**, effective June 9, 2015.

Yes: Graves, Johnson, Protogyrou, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

R-1A An Ordinance entitled, "An Ordinance granting a **Special Exception** to permit the operation of a microbrewery named '**Rip Rap Brewing Company**' on property located at **114 East 25th Street, Unit 116**," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective June 9, 2015.

Yes: Graves, Johnson, Protogyrou, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

R-2

Letter from the City Manager and an Ordinance entitled, “An Ordinance granting a **Special Exception** to permit the operation of an eating and drinking establishment named ‘**905 Café and Grill**’ on property located at **905 East Ocean View Avenue**,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective June 9, 2015.

Yes: Graves, Johnson, Protogyrou, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

R-3

Letter from the City Manager and the following two Ordinances:

An Ordinance entitled, “An Ordinance granting a **Special Exception** to permit the operation of an entertainment establishment named ‘**Coelacanth Brewing**’ on property located at **760 West 22nd Street, Suite A**,” was introduced in writing and read by its title.

Kevin Erskine, 760 West 22nd Street, Ste A, was present to answer questions.

ACTION: The Ordinance as introduced was **adopted**, effective June 9, 2015.

Yes: Graves, Johnson, Protogyrou, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

R-3A

An Ordinance entitled, “An Ordinance granting a **Special Exception** to permit the operation of a microbrewery named ‘**Coelacanth Brewing**’ on property located at **760 West 22nd Street, Suite A**,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective June 9, 2015.

Yes: Graves, Johnson, Protogyrou, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

R-4

Letter from the City Manager and an Ordinance entitled, "An Ordinance granting a **Special Exception** authorizing the operation of an eating and drinking establishment named '**Your Pie**' on property located at **7550 Granby Street, Suite 90,**" was introduced in writing and read by its title.

Jeff Rhoads, 2329 Spindraft Road, the applicant, Virginia Beach, was present to answer questions.

ACTION: The Ordinance as introduced was **adopted**, effective June 9, 2015.

Yes: Graves, Johnson, Protogyrou, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

R-5

Letter from the City Manager and an Ordinance entitled, "An Ordinance granting a **Special Exception** to permit the creation of a flag lot on property located at **4818 Kennebeck Avenue,**" was introduced in writing and read by its title.

ACTION: Continued to July 14, 2015.

Yes: Graves, Johnson, Protogyrou, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

R-6

Letter from the City Manager and an Ordinance entitled, "An Ordinance accepting **\$169,922.48** from the **Virginia Department of Health, Office of Emergency Medical Services,** for the '**Four For Life**' **Program** and appropriating and authorizing the expenditure of **\$169,922.48** for the '**Four For Life**' **Program** to be used for medical training purposes and to purchase emergency medical equipment," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective June 9, 2015.

Yes: Graves, Johnson, Protogyrou, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

R-7

Letter from the City Manager and an Ordinance entitled, "An Ordinance accepting with appreciation the donation of **\$8,770** to the City from the **Hampton Roads Community Foundation** and appropriating and authorizing the use of the funds to support library services and programs with a preference for the purchase for additional books and educational materials at the **Pretlow Anchor Branch Library**," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective June 9, 2015.

Yes: Graves, Johnson, Protogyrou, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

R-8

Letter from the City Manager and an Ordinance entitled, "An Ordinance accepting **\$44,008.59** from the **Schools and Libraries Division** of the **Universal Service Fund E-Rate Grant Program** and appropriating and authorizing the expenditure of \$44,008.59 for **Telecommunications and Technology Services** for the **Norfolk Public Library**," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective June 9, 2015.

Yes: Graves, Johnson, Protogyrou, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

R-9

Letter from the City Manager and an Ordinance entitled, "An Ordinance approving a **Right of Entry Agreement** permitting the **City of Chesapeake** to go upon and utilize a **City of Norfolk** easement located in the right of way of **Deepwater Drive** in the City of Chesapeake," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective June 9, 2015.

Yes: Graves, Johnson, Protogyrou, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

R-10

Letter from the City Attorney and an Ordinance entitled, "An Ordinance directing the City Treasurer to issue a refund in the amount of **\$3,484.77**, plus interest, to **Duke Realty Limited Partnership** based upon the overpayment of its business license tax for the year 2015," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective June 9, 2015.

Yes: Graves, Johnson, Protogyrou, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

R-11

Letter from the City Attorney and an Ordinance entitled, "An Ordinance directing the City Treasurer to issue a refund in the amount of **\$5,380.31**, plus interest, to **Sovran Acquisition Limited Partnership** based upon the overpayment of business professional and occupation license taxes for the years 2012 through 2014," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective June 9, 2015.

Yes: Graves, Johnson, Protogyrou, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

R-12

Letter from the City Attorney and an Ordinance entitled, "An Ordinance directing the City Treasurer to issue a refund in the amount of **\$10,023.86**, plus interest, to **Susquehanna Commercial Finance, Inc.** based upon the overpayment of business personal property taxes for the **Tax Years 2013 through 2014**," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective June 9, 2015.

Yes: Graves, Johnson, Protogyrou, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

R-13

Letter from the City Attorney and an Ordinance entitled, "An Ordinance directing the City Treasurer to issue a refund in the amount of **\$4,865.52**, plus interest, to **W. M. Jordan Company, Incorporated** based upon the overpayment of its business license tax for the year **2015**," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective June 9, 2015.

Yes: Graves, Johnson, Protogyrou, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

NEW BUSINESS

1. Brain Mayhood, 8133 Elsie Circle, spoke on seeking assistance in opening up a Rib and Hotdog food truck.
2. Barbara Okata, 8534 Circle Drive, Karen Fenz, 8530 Circle Drive and Darryl Draper, 8533 Circle Drive, expressed concerns about extremely loud music coming from Northside Park from sun-up to sun-down.
3. Ellis James, 2021 Kenlake Place, spoke about making the City safe and environmentally protected. He also mention an article that appeared in the newspaper about boats being docked at the foot of the Campostella Bridge, stating that state and government agencies need to get involved to see how our waterways can be safer from pollutants.
4. Joe Dillard, Jr., 8600 Glen Myrtle Avenue, spoke concerning School Board nominations and stated that the NAACP is in support of a Hybrid System.
5. Thomas Calhoun, 5443 Welaka Road, reiterated that he is not in favor of the ward system for the election of School Board members; that a different School Board process may need to be considered for different sections of the City, such as a Hybrid System. He asked for a conversation.

6. Andria McClellan, 531 Warren Crescent, spoke in opposition to the Ward Based System for nominations to the School Board. She stated that over 12,000 signatures has been collected to repeal the process.
7. Nicole Cary, 9001 Tidewater Drive, spoke concerning the School Board nominations. She stated the citizens have no confidence in the current system and processes, that an at-large system would benefit everyone. She also mention that signatures were collected to repeal the current process.
8. Joe Cook, 1147 Surry Crescent, stated that the Virginian Pilot reported on the dumping of coal dust from Norfolk Southern. He showed Council a sample of coal dust he collected, stating that the black dust is toxic to citizens health. He also wants Council to support Councilman Smigiel's recommendation in adopting a resolution.
9. Danny Lee Ginn, 3845 Dare Circle, commented on good government.